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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/477,226 | 01/04/2000 | GEORGE HSU | P413 | 8873 |
| 24739 | 7590 | 02/24/2005 | EXAMINER | |
| CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004 | | | DINH, DUNG C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2152 | |

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/477,226

Applicant(s)

HSU, GEORGE

Examiner

Dung Dinh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-21 and 23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 14-21,23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

Applicant's arguments filed 9/23/04 have been fully considered but they are not persuasive.

Applicant argued that Horbal fail to teach assigning IP address to the control unit when it is initialized. Applicant argued that Horbal teaches that the IP address is set in dipswitches. Applicant cited to col.14 lines 20-23 for support of this assertion. The argument is not persuasive because this is only one embodiment of Horbal teaching. In the same paragraph cited by Applicant, lines 24-25, Horbal teaches that alternatively dynamic IP address can be obtained.

Applicant argued that Perkins is not an analogous art. The argument is not persuasive because. Horbal discloses the network being Ethernet. However, Horbal specifically discloses that it is merely an exemplary embodiment and that other network protocol may be used (see col.4 lines 40-49). It is well known in the art that Ethernet network can be wired LAN, wireless or a mixture of both. The usage of wireless network is well known in the art at the time of the invention and has certain advantage over wired network, such as mobility, no physical wire connections, etc. Perkins teaching is concerned with how to integrated wireless to wired network (see Abstract

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lines 1-4). Since Horbal does not disclose details of the network, it would have been obvious for one of ordinary skill in the art to look for reference that teaches the network details. Perkins is one such reference. Hence, Perkins is a relevant reference that one of ordinary skill in the art would have considered in implementing the teaching of Horbal.

Applicant argued that Perkins is concerned with the mobility of the devices and the gateway already known the mobile device when the gateway received the initialization request. The argument is not persuasive because Perkins teaching is typical of how a wireless network function at the time of the invention. Col.5 lines 50-65, Perkins clearly teaches the initialization of the new device (when a device first enter the LAN) and the assignment of IP address to a new device when the gateway detect its present (e.g. via the initialization request). Applicant has not pointed out where in Perkins is there suggestion that the gateway already knew about the mobile device before the initialization. Furthermore, the assignment of IP address to a newly added controller device is also suggested by Horbal (col.14 lines 24-25 - usage DHCP). Perkins is used to show that usage of wireless LAN and a base station (gateway) that keeps track of the devices in the network that it

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assigned addressed to was known in the art at the time of the invention.

Claims 14-21 and 23 are rejected as stated in the previous action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Dung Dinh', with a stylized flourish extending upwards and to the right.

Dung Dinh
Primary Examiner
February 18, 2005